

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

GUARDIAN INDUSTRIES CORP.,

Plaintiff,

v.

DELL, INC.; GATEWAY, INC.;
HEWLETT-PACKARD COMPANY; ACER INC.;
ACER AMERICA CORPORATION; AOC INTERNATIONAL;
ENVISION PERIPHERALS, INC.; TPV TECHNOLOGY, LTD.;
TPV INTERNATIONAL (USA), INC.;
AU OPTRONICS CORPORATION;
AU OPTRONICS CORPORATION AMERICA a/k/a
AU OPTRONICS AMERICA, INC.;
BENQ CORPORATION; BENQ AMERICA CORPORATION;
CHUNGHWA PICTURE TUBES, LTD. a/k/a
CHUNGHWA PICTURE TUBES COMPANY;
TATUNG COMPANY;
TATUNG COMPANY OF AMERICA, INC.;
BOE HYDIS TECHNOLOGY COMPANY, LTD.;
BOE HYDIS AMERICA INC.; CHI MEI OPTOELECTRONICS;
COMPAL ELECTRONICS, INC.;
HANNSTAR DISPLAY CORPORATION; JEAN CO., LTD.;
LITE-ON TECHNOLOGY CORPORATION;
LITE-ON, INC. a/k/a LITEON TRADING USA, INC.;
MAG TECHNOLOGY COMPANY, LTD.;
MAG TECHNOLOGY USA, INC.;
PROVIEW INTERNATIONAL HOLDINGS, LTD.;
PROVIEW TECHNOLOGY, INC.;
PROVIEW ELECTRONICS COMPANY, LTD.; and
QUANTA DISPLAY, INC.,

Defendants.

C. A. No. 05-27-SLR

Jury Trial Demanded

**DEFENDANTS' MOTION FOR LEAVE TO FILE A SUR-REPLY IN SUPPORT
OF THE OPPOSITION TO GUARDIAN'S MOTION TO LIFT THE STAY**

Defendants respectfully move for leave to file a sur-reply in support of their opposition to Guardian's motion to lift the stay.¹ The sur-reply is necessary to address a change of circumstances that arose after the Defendants filed their opposition brief on February 13. Three days later, Chunghwa Picture Tube, Ltd. ("CPT") entered into a tentative settlement agreement with Guardian, and Guardian addressed that tentative settlement agreement in its reply brief.

Guardian argues that the tentative settlement agreement with CPT compels the lifting of the stay against the other non-manufacturing defendants. As set forth in Defendants' sur-reply, attached as Exhibit A hereto, that tentative settlement not only does not support the lifting of the stay, it compels the dismissal of this entire action once that settlement is finalized.

Therefore, Defendants request leave to file a sur-reply to address this change in circumstances and new argument by Guardian. A form of Order is attached as Exhibit B for the Court's convenience.

¹ Pursuant to Local Rule 7.1.1, counsel for Defendants contacted counsel for Plaintiff regarding the instant motion. As of the time of filing, Plaintiff had not communicated its position on the motion.

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Electronics Company, Ltd., MAG
Technology Company, Ltd., MAG
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*(filing on behalf of Hewlett-Packard
Company, Chunghwa Picture Tubes Ltd.,
Jean Co., Ltd., Tatung Co., Envision
Peripherals, Inc., Tatung Co. of America
Inc., TPV Technology, Ltd. and TPV
International (USA), Inc.)*

Dated: February 24, 2006

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**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

CERTIFICATE OF SERVICE

I, David E. Moore, hereby certify that on February 24, 2006, the attached document was hand delivered to the following persons and was electronically filed with the Clerk of the Court using CM/ECF which will send notification of such filing(s) to the following and the document is available for viewing and downloading from CM/ECF:

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